



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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JUN 5 1990

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Final Monthly Report—RCRA/Superfund Industry Assistance
and Emergency Planning and Community Right-To-Know
Information Hotline Report for March 1990

FROM: Thea McManus, Project Officer
Office of Solid Waste

TO: See List of Addresses

This Report is prepared and submitted in support of Contract #68-01-7371.

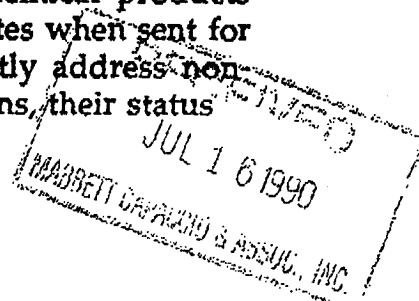
I. SIGNIFICANT QUESTIONS AND RESOLVED ISSUES—MARCH 1990

A. RCRA

1. Clarification of By-Product Versus Scrap Metal

A manufacturer of computer circuit boards sends unused off-specification printed circuit boards and board trimmings from the production process off-site for reclamation. The printed circuit boards are made of alternating layers of thin copper and fiberglass plates coated with tin lead; containing approximately 30% copper, 68% fiberglass, and 2% tin lead. How are the unused boards classified under 40 CFR 261.2, and are the trimmings by-products or scrap metal? Would these materials be solid wastes under RCRA?

The unused circuit boards are secondary materials. Under 40 CFR 261.2, the Agency designates those secondary materials which are RCRA Subtitle C solid wastes when recycled. According to Section 261.2(c)(3), unused off-specification commercial chemical products listed in 40 CFR 261.33 are not considered solid wastes when sent for reclamation. Although the Agency does not directly address non-listed commercial chemical products in the regulations, their status



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1. Clarification of By-Product Versus Scrap Metal (Cont'd)

would be the same as those that are listed (see 50 FR 14219, April 11, 1985). The unused circuit boards are considered to be non-listed commercial chemical products, and thus, are not solid wastes when reclaimed. If, however, the circuit boards had been used and were no longer fit for use, they would be considered spent materials and defined as solid wastes when reclaimed.

The trimmings are inherently unfit for end use and will be reclaimed. In the January 4, 1985 Federal Register (50 FR 625), the Agency defines by-products as materials "that are not produced intentionally or separately, and that are unfit for end use without substantial processing." The printed circuit board trimmings meet the definition of characteristic by-product rather than scrap metal, and are not solid wastes when reclaimed under Section 261.2(c)(3). Although the trimmings are physically similar to scrap metal, to meet the definition of scrap metal, the material must have significant metal content, i.e., greater than 50% metal. In fact, examples given in the Preamble concerning scrap metal were virtually 100% metal. Materials defined as scrap metal under Section 261.1 are solid wastes when reclaimed, and, if hazardous, are presently exempt under Section 261.6(a)(3)(iv) from Subtitle C regulation. The Agency has deferred hazardous scrap metal from regulation until appropriate information on types of scrap metal and industry management practices is made available for study.

Source: Mike Petruska, OSW (202) 382-3139
Research: Wally Moon

2. Definition of Regulated Medical Waste Applicable to Intravenous Bags Generated by Veterinarians

A veterinarian sometimes administers sterile saline or dextrose solutions to animals when he treats these animals for various illnesses (e.g., dehydration). These sterile solutions are contained in intravenous bags which are physically and functionally identical to IV bags that are administered to human patients. After the veterinarian's IV bags are empty, can the veterinarian cut the IV bags so that they are no longer recognizable and handle them as nonregulated medical waste?



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAR 27 1989

OFFICE OF
SOLID WASTE AND EMERGENCY RESPON

Ronald B. L. Jones
Environmental Consulting
15 Hollow Road
Watertown, Connecticut 06795

Dear Mr. Jones:

This letter responds to your February 13, 1989 letter (and subsequent phone call) regarding the regulatory status of flue dust and metal hydroxide sludge under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Specifically, you request a clarification concerning the regulatory status of flue dust and metal hydroxide sludge being recycled by two different methods: 1) reclamation for metal content, and 2) use as a micronutrient in fertilizer.

It is my understanding that your client, a brass mill, generates two EP toxic characteristic waste sludges. These are: 1) a flue dust generated by an air pollution control device (defined as a "sludge" in 40 CFR 260.10), and 2) a metal hydroxide sludge generated by an on-site wastewater treatment unit. Neither waste is a RCRA listed hazardous waste and your client has concerns about the proper management for the characteristic hazardous wastes.

As the table at 40 CFR 261.2(c) states, a characteristic sludge is not a solid waste (and thus, not a hazardous waste) when reclaimed. This status applies at the point of generation (i.e., if the sludge is to be reclaimed, it is not a solid waste and, therefore, not regulated under RCRA Subtitle C, unless it is accumulated speculatively). You should note that section 261.2(f) requires the generator to document his/her claims that a certain material is not a solid waste.

On the other hand, the same table states that both listed and characteristic sludges that are placed on the land or incorporated into a product that is applied to the land (i.e., used in a manner constituting disposal) are solid wastes (and thus are hazardous wastes). As section 261.2(e)(2) states, even materials that are recycled by use or reuse as ingredients to make a product are solid wastes (and if applicable, hazardous wastes) when such recycling involves use constituting disposal. This status applies at the point of generation (and, thus, storage of the wastes prior to such use or reuse is subject to

regulation under RCRA Subtitle C). [NOTE: For characteristic sludges, if the product placed on the land no longer exhibits a hazardous characteristic, the product would not be a hazardous waste (a solid waste derived from the treatment of characteristic hazardous waste, such that it no longer exhibits a characteristic, ceases to be a hazardous waste).]

You should also be aware that State and local regulations are also applicable, and may differ from Federal regulations. You should contact the State regulatory agency, as well as the appropriate EPA Regional office to determine the applicable regulations.

Should you require further information, you may call the RCRA Hotline at 1-800-424-9346, or Mitch Kidwell, of my staff, at (202) 475-8551.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. W. Dellinger". The signature is fluid and cursive, with a large, stylized "D".

Robert W. Dellinger
Chief
Waste Characterization Branch